

REMARKS/ARGUMENTS

Claims 1-22 and 24-27 were previously pending in the application. No claims have been amended, added, or cancelled. Therefore, claims 1-22 and 24-27 are present for examination. Claims 1, 14, and 22 are independent claims.

Rejection Under 35 U.S.C. § 103

Claims 1-22 and 24-27 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,699,528 issued to Hogan ("Hogan") in view of www.tomsown.com/htmlsnippet.html ("Tomsown"). The patent office is charged with putting forth a *prima facie* showing of anticipation. Applicants believe a *prima facie* case of obviousness has not been properly set forth in the Office Action.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, *the prior art reference (or references when combined) must teach or suggest all the claim limitations*. MPEP §2142, Original Eighth Edition, August, 2001, Latest Revision August 2006 (*emphasis added*).

Appellant believes the rejection has flaws with the above test for obviousness. Notably, the combination of Hogan and Tomsown fails to teach each and every aspect of the claimed invention.

The invention relates to online money transfers between buyers and sellers that use vending sites. "Types of vending sites include auction sites, classified advertising sites, and other on-line sites that facilitate person-to-person sales." Application, p. 2, lines 31-32. A buyer relies on a payment enabler to allow the money transfer in the person-to-person sale. Id., p. 2, line 32-p. 3, line 2; see also p. 3, lines 23-33. To enable the payment process with the payment enabler, a snippet, which may have a link and a button associated therewith, is pasted into the vendor site. Id., Fig. 5, step 532; see also p. 9, lines 15-19 and p. 9, line 30-p. 10, line 8. The button associated with the snippet changes when the buyer can make a payment. See id., p. 13,

lines 1-9. The buyer can then select the button, and the link associated with the button, to be directed to the payment enabler. Id., Fig. 6, step 624, see also p. 13, lines 31-32. The payment enabler then helps transfer money from the buyer to the seller associated with the sale on the vendor site. Id., Fig. 6, step 644.

Claim 1:

Applicant respectfully asserts that the combination of Hogan and Tomsown does not teach or suggest the invention in the claims. More specifically, the combination of Hogan and Tomsown fails to teach or suggest "a vending site," and, as such, fails to teach or suggest the following elements of independent claim 1: "receiving login information relevant to a vending site," "automatically determining listings at the vending site associated with the seller," or "automatically inserting one of the plurality of snippets into each of the listings." For at least these reasons, Applicants respectfully request reconsideration of the rejection to the claims.

Missing Limitation: "receiving login information relevant to a vending site"

Claim 1 requires "receiving login information relevant to a vending site." Vending sites include on-line sites that facilitate person-to-person sales, such as online auction sites. Application, p. 2, lines 31-32. Hogan is cited for this proposition on page 3 of the Office Action by simply listing reference (305) as including information about the vending site. Office Action, page 2. Step (305) is an action by a "subscriber" to enter his or her identification into a server computer. See Hogan, col. 5, line 63 -- col. 6, line 1. A "subscriber," in Hogan, subscribes to a bill payment server. See id., col. 4, lines 22-25. The subscribers "are able to access and 'browse' their bills on WWW, and pay the bills using one or more accounts . . ." id., col. 5, lines 1-6. A subscriber is not a vending site because the subscriber does not facilitate person-to-person sales. Indeed, Hogan describes three entities: a subscriber, a payee (100), an electronic bill pay service (160) and a payee (107). See Hogan, Fig. 1 and col. 4, lines 22-67. Hogan does not teach, as shown in Fig. 1 of the Application, all of a buyer, a seller, a vending site, and a money transfer system. Hogan is missing any description of a vending site. Thus, the login information described in Hogan cannot be related to a vending site. Tomsown also does

not include a description of a vending site. As such, the combination of Hogan and Tomsown fails to teach this claim limitation.

Missing Limitation: “automatically determining listings at the vending site associated with the seller”

Claim 1 also requires “automatically determining listings at the vending site associated with the seller.” Listing could be classified advertisements, electronic advertisements or auctions. See Application, p. 3, lines 17-18. Hogan is cited for this proposition on page 3 of the Office Action by simply listing references (314) and (385) as determining listings at the vending site. Office Action, page 2, fourth and fifth sentences. Step (314) is an action to monitor an “Update Electronic Account Register” choice or a “Select New Payees” choice when selected. See Hogan, col. 7, lines 37-62. Step (385) retrieves “available checking and credit account balances from the identified subscriber bank(s) . . .” Hogan, col. 7, lines 28-30. These steps fail to describe determining listings. For example, Hogan would fail to teach determining auctions at an online auction site. Tomsown also does not include a description of a vending site or listings at the vending site. As such, the combination of Hogan and Tomsown fails to teach this claim limitation.

Missing Limitation: “automatically inserting one of the plurality of snippets into each of the listings”

Claim 1 also requires “automatically inserting one of the plurality of snippets into each of the listings.” Hogan is cited for this proposition on page 5 of the Office Action by simply listing Figure 4 as inserting snippets into each of the listings. Office Action, page 5, first and second sentences. Figure 4 “is a display of a bill to be paid by a user . . .” Hogan, col. 3, lines 15-16. Figure 4 does not display a vending site or listings, but displays bills. As such, Hogan does not teach automatically inserting snippets into listings because the listings are on the vending site, which Hogan does not teach. Tomsown provides an example of HTML code to place an email address with a GIF file into a web page but fails to teach inserting an HTML snippet into a listing of a vending site.

No Reasonable Expectation of Success

The combination of Hogan and Tomsown could not be combined because the combination would fail to achieve the functions recited in the claims. Claim 1 requires “automatically inserting one of the plurality of snippets into each of the listings, wherein activating the link points a web browser to a payment enabler that can transfer money from the buyer to the seller.” As the Examiner admits, Hogan does not describe HTML snippets. See Office Action, page 5. The snippet described in Tomsown does not point to a payment enabler but to an email address. Thus, adding the snippet in Tomsown to Hogan does not accomplish the asserted claim element, notably “activating the link points a web browser to a payment enabler.” Thus, the combination of Tomsown and Hogan has no expectation of success and fails to provide a *prima facie* case for obviousness.

Claims 2-13:

Claims 2-13 all depend from allowable independent claim 1. Thus, claims 2-13 are all allowable over the cited prior art due, at least, to this dependence.

Claim 14:

Independent claim 14 includes a similar claim element as claim 1. Notably, claim 26 recites “*receiving login information relevant to a vending site, wherein the login information is associated with the seller;*” “*determining a listing at the vending site associated with the seller;*” and “*generating a snippet of code for the listing, wherein: the snippet includes a link that addresses a payment enabler, and the snippet indicates an information unique to the seller and the listing including the snippet.*” Thus, for reasons similar to those mentioned with regard to claim 1, claim 14 is also allowable over the cited prior art.

Claims 15-21:

Claims 15-21 all depend from allowable independent claim 14. Thus, claims 15-21 are all allowable over the cited prior art due, at least, to this dependence.

Claim 22:

Independent claim 14 includes a similar claim element as claim 1. Notably, claim 22 recites *“receiving login information relevant to a vending site, wherein the login information is associated with the seller,” “determining a listing at the vending site associated with the seller,” “generating a snippet of code for the listing, wherein the snippet comprises: a link that points to a payment enabler, and a message formulated by the seller for display to the buyer,” and “inserting the snippet into the listing.”* Thus, for reasons similar to those mentioned with regard to claim 1, claim 22 is also allowable over the cited prior art.

Claims 24-27:

Claims 24-27 all depend from allowable independent claim 22. Thus, claims 24-27 are all allowable over the cited prior art due, at least, to this dependence.

Requirement for Information Under 37 CFR § 1.105

Applicants can only assume that the Examiner is requesting information under 37 CFR § 1.105(a)(3), which allows the Examiner to impose “A requirement for factual information.” The Examiner is not asking for factual information, but, rather, is asking the Applicants to submit an opinion as to the relevance of the art cited. As such, this requirement is improper. Inasmuch as a response is required, the references cited were provided as required under 37 CFR 1.56. Only the examiner can determine the relevance of the references. Applicants therefore request the Examiner to rescind this request under 37 CFR § 1.105(a)(3)(i).

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. Applicants do not acquiesce to any argument not specifically addressed in this response. Rather, Applicants believe that the forgoing amendments and/or arguments overcome the objections and rejections.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Appl. No. 10/076,036
Amdt. dated February 28, 2008
Reply to Office Action of November 23, 2007

PATENT

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tadd F. Wilson', written in a cursive style.

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